

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA  
MUSKOGEE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO.  
6:21-CR-198-RAW

v.

JIMMY NACE

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JIMMY NACE’S RESPONSE TO THE GOVERNMENT’S  
MOTION IN LIMINE REGARDING AUDIO PRESENTATION

COMES NOW Defendant, JIMMY NACE, by and through undersigned counsel, and responds to the government’s motion in limine and request to voir dire witnesses. (Doc. 169). In their motion, the government asks the Court to admit a modified version of Mr. Nace’s statement to law enforcement titled “HQ denoised.” Mr. Nace objects to an altered or tampered version of the statement being admitted.

First, the government has not explained their process for altering or tampering with the recording. The government merely refers to the versions as “enhanced.” (Doc. 169 at 1). Second, while the government claims that “the denoised version does not change the volume, tone, or inflection of the defendant’s voice,” Counsel for Mr. Nace disagrees. As Counsel told the government, if two people are talking in an area with a lot of background noise, they tend to speak up. If the background noise is removed, some could construe the two people as yelling at each other. The seeming act of yelling certainly changes the tone of the conversation.

Counsel for Mr. Nace has agreed to allow the government to provide the jury with an accurate transcript of Mr. Nace's interview with law enforcement. Counsel is not sure why the government did not disclose this in their motion.

Therefore, Mr. Nace asks the Court to deny the government's motion in limine, (Doc. 169), and allow the jury listen to the unaltered recording.

Respectfully submitted, this 8th day of March, 2022.

*J. Wesley Bryant*  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Response to Government's Motion in Limine has been formatted in Times New Roman 14 point, in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

T. Cameron McEwen  
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Dated: This 8th day of March, 2022.

J. Wesley Bryant  
J. WESLEY BRYANT  
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